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10/726,471	12/02/2003	Toshihiro Shima	MIPEP068	5855
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EXAMINER				
MCCOMMAS, BRENDAN N				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/726,471

Applicant(s)

SHIMA, TOSHIHIRO

Examiner

BRENDAN MCCOMMAS

Art Unit

2625

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-6, 9-17, 19, 20, 22, 23 and 25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 9-17, 19, 20, 22, 23 and 25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB08)
Paper No(s)/Mail Date 3/11/2008
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ ~~Notice of Informal Patent Application~~
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

1. **Claim 1-3, and 5-6** are rejected under 35 U.S.C. 102(e) as being anticipated by Sekizawa (U.S. Patent 6,604,212).
2. **Regarding claim 1**, Sekizawa discloses a system and method for monitoring the state of a plurality of machines connected via a computer network. In addition Sekizawa discloses a device that is connected with a network, comprising:
 3. a timer (monitor section 17) that measures elapse of a time period, as disclosed in column 21, lines 39-44 and exhibited in figure 3.
 4. a network communication module (12) that communicates with another apparatus connecting with the network to provide a specified service, as disclosed in column 17, lines 19-28 and exhibited in figure 3.

5. a time acquisition module 10 that acquires an absolute time from said another apparatus in the process of communication, as disclosed in column 26, lines 40-65 and exhibited in figures 10 and 3; and
6. a base time setting module 30 that sets the absolute time as a base time for specifying a time at each time point the time at each time point being specified based on the elapsed time measured by the base time, as disclosed in column 26, lines 66-67 and column 27, lines 1-9.
7. **Regarding claim 2**, Sekizawa discloses everything claimed as applied above (see claim 1) In addition Sekizawa discloses a device that is connected with a network, further comprising:
 8. a log recording module (12a and 30 the combination) that records a log, which represents a working status of said device and is mapped to elapsed time measured by the timer and the base time, as disclosed in column 28, lines 51 – 67 and column 29, lines 1-7.
 9. wherein said network communication module transmit the log to a predetermined server 19 via the network, as disclosed in column 32, lines 10-28; and
 10. said time acquisition module 10 acquires the absolute time from said predetermined server in the course of transmission, as disclosed in the abstract.
11. **Regarding claim 3**, Sekizawa discloses everything claimed as applied above (see claim 2) In addition Sekizawa discloses a device that is connected with a network,
 12. wherein said log recording module corrects the elapsed time by taking into account a time interval specified from absolute times acquired more than once and a

measurement result of said timer corresponding to the specified time interval, and records the log, as disclosed in column 29, lines 1-7.

13. **Regarding claim 5**, Sekizawa discloses everything claimed as applied above (see claim 2) In addition Sekizawa discloses a device wherein the network communication module transmits the log with an address dynamically allocated to said device via the network, as disclosed in column 21, lines 17-29.

14. **Regarding claim 6**, Sekizawa discloses everything claimed as applied above (see claim 2) In addition Sekizawa discloses a device that is connected with a network further comprising:

15. a working status detection module 11 that outputs a continuously varying working status of said device as a discretely varying parameter value,

16. wherein said log recording module records the log at a specific time interval shorter than a minimum time interval that causes the discrete variation, as disclosed in column 22, lines 4-19.

17. **Claim 20** is rejected under 35 U.S.C. 102(e) as being anticipated by Suzuki et al. (U.S. Patent Publication 2002/0065940), hereinafter referenced as Suzuki..

18. **Regarding claim 20**, Suzuki discloses a device control method that controls a device connecting with a network, said device control method comprising the steps of:

19. activating a timer included in said device (by means of a control unit 4) to measure elapse of a time period, as disclosed in [0069] and exhibited in figure 3;

20. communicating with another apparatus connecting with the network to provide a specified service, as disclosed in [0018];

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21. acquiring an absolute time (global time) from said another apparatus in the process of communication, as disclosed in [0070]-[0071]; and
22. setting the absolute time as a base time for specifying a time at each time point, based on a measurement result of said timer (synchronizing the times), as disclosed in [0070]-[0071].

Claim Rejections - 35 USC § 103

23. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

24. **Claim 4** is rejected under 35 U.S.C. 103(a) as being unpatentable over Sekizawa (U.S. Patent 6,604,212)
25. **Regarding claim 4**, Sekizawa discloses everything claimed as applied above (see claim 1) However Sekizawa fails to disclose a device wherein a time interval of transmitting the log is longer than a time interval of recording the log. However, the examiner takes official notice of the fact that it was well known in the art to provide a device wherein a time interval of transmitting the log is longer than a time interval of recording the log.
26. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify **Sekizawa** by specifically providing a device

wherein a time interval of transmitting the log is longer than a time interval of recording the log for the purpose of more quickly sending out the log for the user to view.

27. **Claims 9-17, 19-20, 22-23 and 25** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sekizawa (U.S. Patent 6,604,212), in view of Suzuki et al. (U.S. Patent Publication 2002/0065940), hereinafter referenced as Suzuki.

28. **Regarding claim 9**, Sekizawa and Suzuki disclose everything claimed as applied above (see claim 1) In addition Sekizawa discloses a management server (130 132 and 138 the combination) that manages a working status of a device connected with a network, as disclosed in column 33, lines 40-50 and exhibited in figure 27, said management server comprising:

29. a log holder module 23 that holds the log (series of data related to the printer) which has a quantitative parameter value relating to the to the working status of said device as a log in a time series, as disclosed in column 34, lines 26-35;

30. However Sekizawa fails to disclose a variation output module that, in response to a reset of the parameter value by an operation of said device, adds a parameter value after the reset to a parameter value immediately before the reset and outputs a time-based variation in working status of said device over the reset, based on a result of the addition. However it would have been obvious at the time of the invention to include such a modification, as taught by Suzuki.

31. In a similar field of endeavor, Suzuki discloses a periodic control synchronous system. In addition, Suzuki discloses that in response to a reset of the time (a parameter value) a controller outputs a new time which is a time based variation, based

on the elapsed time of the reset and reads on claimed a variation output module that, in response to a reset of the parameter value by an operation of said device, adds a parameter value after the reset to a parameter value immediately before the reset and outputs a time-based variation in working status of said device over the reset, based on a result of the addition, as disclosed in [0088] and [0092].

32. Therefore it would have been obvious to one of ordinary skill in the art to include such a modification to the device of Sekizawa for the purpose of more quickly resetting the entire system while the time is still being kept accurately.

33. **Regarding claim 10**, Sekizawa and Suzuki disclose everything claimed as applied above (see claim 1) In addition Sekizawa discloses a device which outputs an image, as disclosed in column 20, lines 44-54. In addition Sekizawa discloses a device wherein:

34. said network communication module receives an output file, which is to be output from said device, as disclosed in column 32, lines 29-45; and

35. said time acquisition module receives the absolute time, which is attached to the output file received by said network communications module, as disclosed in column 32, lines 29-45;

36. However Sekizawa fails to explicitly disclose that the device outputs a sound. However, the examiner takes official notice of the fact that it was well known in the art to have a sound outputted by a network device.

37. Therefore it would have been obvious to one of ordinary skill in the art to include that modification to the device of Sekizawa for the purpose of alerting the user to the status of the device itself.

38. However Sekizawa fails to disclose a device wherein:

39. said timer measures a time period since a power ON time of said device;

40. However the examiner maintains it would have been obvious to anyone skilled in the art at the time of the invention for the device to include,

41. a timer which measures a time period since a power ON time of said device, as taught by Suzuki.

42. Suzuki discloses a device which contains:

43. a timer which measures a time period since a power ON time of said device, as disclosed in [0088];

44. Therefore it would be obvious to one skilled in the art to include such a modification to the device of Sekizawa for the purpose of relating the total up-time of the device back to the management server.

45. **Regarding claim 11**, Suzuki and Sekizawa disclose everything claimed as applied above (see claim 10) In addition Sekizawa discloses a device wherein said time acquisition module receives a latest update time of the output file, which is received by said network communication module, as the absolute time, as disclosed in column 32, lines 29-45.

46. **Regarding claim 12**, Suzuki and Sekizawa disclose everything claimed as applied above (see claim 10) In addition Sekizawa discloses a device wherein said time

acquisition module receives a latest update time of the output file, which is received by said network communication module, as the absolute time, as disclosed in column 32, lines 29-45.

47. **Regarding claim 13**, Suzuki and Sekizawa disclose everything claimed as applied above (see claim 11) In addition Sekizawa discloses a device wherein the output file is transmitted to said device via a predetermined file server, and the latest update time represents an absolute time when said predetermined file server has received the output file, as disclosed in column 44, lines 35-52.

48. **Regarding claim 14**, Suzuki and Sekizawa disclose everything claimed as applied above (see claim 10) However Sekizawa fails to explicitly disclose a device wherein the absolute time is in the output file. However, the examiner takes official notice of the fact that it was well known in the art to have the absolute time included in the output file, as taught by Suzuki, and disclosed in [0008].

49. Therefore it would have been obvious to one of ordinary skill in the art to include the absolute time in the file used by the device of Sekizawa for the purpose of alerting the user to the status/time of the device itself.

50. **Regarding claim 15**, Suzuki and Sekizawa disclose everything claimed as applied above (see claim 1) In addition Sekizawa discloses a device which does not contain a built-in real time clock which works even in a power OFF state of said device, but that the device receives the time from a log file, as disclosed in column 22, lines 14-18 and column 27, lines 1-9.

51. **Regarding claim 16**, Suzuki and Sekizawa disclose everything claimed as applied above (see claim 1) In addition Sekizawa discloses a device further comprising:

52. a time specification module that adds the measurement result of said time to the base time and thereby specifies a time at each time point, as disclosed in column 23, lines 4-15,

53. However Sekizawa fails to disclose a device wherein said base time setting modules resets said timer to zero and updates the base time, in response to acquisition of the absolute time. However, it was well known in the art to have a device wherein said base time setting modules resets said timer to zero and updates the base time, in response to acquisition of the absolute time as taught by Suzuki,

54. In a similar field of endeavor Suzuki, discloses a device wherein said base time setting modules resets said timer to zero and updates the base time, in response to acquisition of the absolute time and disclosed in claim 12.

55. Therefore it would have been obvious to one of ordinary skill in the art to include the modifications of Suzuki in the device of Sekizawa for the purpose of alerting the user to the status/time of the device itself.

56. **Regarding claim 17**, Suzuki and Sekizawa disclose everything claimed as applied above (see claim 1) In addition Sekizawa discloses a device wherein said timer is activated at a power ON time of said device and counts a time period since the power ON time as a relative time, as exhibited in figure 24.

57. said network communication module transmits data collected by said device as a report file to a reporting address server, as disclosed in column 44, lines 26-45 and

58. However Sekizawa fails to disclose a device wherein said time acquisition module receives the absolute time from said reporting address server, while said network communication module transmits the report file to said reporting address server. However, it was well known in the art to have a device wherein said time acquisition module receives the absolute time from said reporting address server, while said network communication module transmits the report file to said reporting address server, as taught by Suzuki,

59. In a similar field of endeavor Suzuki, discloses a device wherein an acquisition module receives the absolute time or global time from the reporting address server, while the network communication module transmits the report file to the reporting address server, as disclosed in the abstract.

60. Therefore it would have been obvious to one of ordinary skill in the art to include the modifications of Suzuki in the device of Sekizawa for the purpose of alerting the user to the status/time of the device itself and having the time be more accurately kept from an outside source.

61. **Regarding claim 19,** Suzuki and Sekizawa disclose everything claimed as applied above (see claim 1) In addition Sekizawa discloses a device that creates a print file and a printer which connects with the device, as disclosed in column 46 lines 53-56. In addition Sekizawa teaches the relative timer is started (included in the most recent status information) when the print file/information is received, as disclosed in column 26, lines 40-65 and column 29, lines 27-31. However Sekizawa fails to explicitly disclose a device wherein a print file generation module that creates the print file as a print job.

However, the examiner takes official notice of the fact that it was well known in the art to provide a device wherein a print file generation module that creates the print file as a print job.

62. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify **Sekizawa** by specifically providing a device wherein a print file generation module that creates the print file as a print job for the purpose of placing every piece of relevant information into the file and sending it to the printer.

63. However Sekizawa fails to explicitly disclose a device wherein an absolute time information generation module that generates information on an absolute time at a time point when the print file is created. However, it was well known in the art to have a device wherein an absolute time information generation module generates information on an absolute time at a time point when the print file is created as taught by Suzuki,

64. In a similar field of endeavor Suzuki, discloses a device wherein an absolute time information generation module generates information on an absolute time (global time) at a time point when the print file (or packet) is created, as disclosed in [0022] and [0035].

65. Therefore it would have been obvious to one of ordinary skill in the art to include the modifications of Suzuki in the device of Sekizawa for the purpose of alerting the user of a more correct time concerning the use of the printer.

66. In addition Suzuki discloses a transmission module 14 that transmits the created print file (or packet) and the generated information on the absolute time (global time) to said printer (or device), as disclosed in [0035] and exhibited in figure 21.

67. Therefore it would have been obvious to one of ordinary skill in the art to include the modifications of Suzuki in the device of Sekizawa for the purpose of alerting the user of a more correct time concerning the use of the printer.

68. In addition Sekizawa discloses that the printer comprises:

69. a timer that is activated at a power ON time of said printer and counts a time period since the power ON time as a relative time, as exhibited in figure 24;

70. a network communication module that receives the print file transmitted from said client, as disclosed in column 44, lines 26-45;

71. a time specification module that adds the measurement result of said time to the base time and thereby specifies a time at each time point, as disclosed in column 23, lines 4-15,

72. However Sekizawa fails to disclose a device wherein said time acquisition module receives the absolute time from said reporting address server, while said network communication module transmits the report file to said reporting address server, which is the used to base the absolute time and the elapsed time from the reception of the print file, the elapsed time being calculated using the relative time. However, it was well known in the art to have a device wherein said time acquisition module receives the absolute time from said reporting address server, while said

network communication module transmits the report file to said reporting address server, as taught by Suzuki,

73. In a similar field of endeavor Suzuki, discloses a device wherein an acquisition module receives the absolute time or global time from the reporting address server, while the network communication module transmits the report file to the reporting address server, which is the used to base the absolute time and the elapsed time from the reception of the information, the elapsed time being calculated using the relative time as disclosed in the abstract.

74. Therefore it would have been obvious to one of ordinary skill in the art to include the modifications of Suzuki in the device of Sekizawa for the purpose of alerting the user to the status/time of the device itself and having the time be more accurately kept from an outside source.

75. **Regarding claim 22**, Suzuki and Sekizawa disclose everything claimed as applied above (see claim 20). In addition claim 22 is interpreted and rejected for the reasons set forth in the rejection of claim 9. Claim 9 describes an apparatus, and claim 22 describes the method implemented by the apparatus. Thus claim 22 is rejected.

76. **Regarding claim 23**, Suzuki and Sekizawa disclose everything claimed as applied above (see claim 20) In addition claim 23 is interpreted and rejected for the reasons set forth in the rejection of claim 20. Claim 20 describes a method, and claim 23 describes a computer readable medium implementing the method. Thus claim 23 is rejected.

77. **Regarding claim 25**, Suzuki and Sekizawa disclose everything claimed as applied above (see claim 23) In addition claim 25 is interpreted and rejected for the reasons set forth in the rejection of claim 22. Claim 22 describes a method, and claim 25 describes a computer readable medium implementing the method. Thus claim 25 is rejected.

Response to Arguments

78. Applicant's arguments filed 04/25/2008 have been fully considered but they are Not persuasive. On page 8 of the Applicant's remarks, the applicant argues, "The Sekizawa reference, however, does not describe any relation between the status code getting data and the time obtained at step S047, and the timing monitored by the monitor section." The examiner respectfully disagrees, and points to column 29, lines 1-16, where the CPU compares the time it has calculated with the time in the timer monitor section.

79. On page 10 of the Applicant's arguments, the applicant argues, "the reference does not disclose the claimed operation setting the absolute time as a base time for specifying a time at each time point, the time at each time point being specified based on the elapsed time measured by the timer and the base time." The examiner respectfully disagrees and points to figure 3, where the global timer sets the base time, and each individual timer in the devices measuring the time and the absolute time being measured by the difference between the base or global time and the timer in the device, as disclosed in [0069]-[0073]. In addition the Applicant argues that the " time is designated by the control period timer 10, etc." However in [0069], Suzuki teaches that

the control period timer receives its time from the global or base timer, and so these two times are analogous.

80. On page 10 of the Applicant's arguments, the Applicant argues, "Further, Applicant traverses the taking of official notice and, in the even the rejection is maintained, requests that reference be cited to support examiner's position regarding the state of the art." Examiner points to United States Patent 6,542,253, claim 14 which discloses a device wherein the time interval of transmitting the information can be controlled to be longer than a time interval to record the same information.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRENDAN MCCOMMAS whose telephone number is (571)270-3575. The examiner can normally be reached on IFP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler Haskins can be reached on (571)272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ Brendan N. McCommas/
Examiner, Art Unit 2625

/B. M./
Examiner, Art Unit 2625

/Twyler L. Haskins/
Supervisory Patent Examiner, Art Unit 2625